



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
April 2, 2015
APPROVED

Attachments:

1. Meeting Agenda
2. Hearing Continuance Form for Potash Hill Rd. Lot B (Mass Crane & Hoist) – 3/31/15
3. Application for Special Permit for 4 Middlesex Rd. – 3/2/15
4. Tyngsborough Dept. Comments for 4 Middlesex Rd.
5. David E. Ross Associates Review for 4 Middlesex Rd. – 3/13/15
6. Land Engineering & Environmental Services Revised Plans & Report – 3/23/15
7. David E. Ross Associates Review for 4 Middlesex Rd. – 3/30/15

Members Present: Steve Nocco, Chairman
Kimberly O'Brien, Vice Chairman
Caryn DeCarteret
Tom Delmore
Pat Sands, Associate Member
Jesse Johnson, David E. Ross Associates

Members Absent: Steve O'Neill

7:05pm - Meeting called to order by Chairman Steve Nocco

7:07pm **50 Westford Rd. at Potash Hill Rd. Lot B (M21, P23-1, Lot B)** – Potash Properties, LLC, applicant, request for a Special Permit under the provisions of Section 4.11.00 of the Tyngsborough Zoning By-Laws to construct a 45,500 s.f. major industrial complex to be known as Mass Crane & Hoist. *Advertised in the Lowell Sun on Thursday February 5, 2015 & Thursday February 12, 2015.*
Continued from March 19, 2015.

The applicant was unable to complete the revisions required for tonight's meeting and submitted a letter requesting a continuance to the next meeting.

T. Delmore: Motion to continue this hearing to April 16, 2015 at 7:00pm.

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

7:15pm **4 Middlesex Rd. (M28, P90, Lot 0)** – Valhalla Ventures, LLC, applicant, request for a Special Permit under the provisions of Section 2.11.30 of the Tyngsborough Zoning By-Laws to construct a 3,800 s.f. commercial building to be used as a personal services facility. *Advertised in the Lowell Sun on Thursday March 19, 2015 & Thursday March 26, 2015.*

Associate Member P. Sands will be sitting in on this hearing.

C. DeCarteret: Motion to waive the reading of the legal notice and abutters list.

T. Delmore: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Applicant Walter Eriksen appeared before the Board for this hearing along with engineer Doug Lees and Attys. Scott and Kevin Eriksen. Mr. Lees explained that this a one acre lot zoned as B-1 which contains an abandoned dilapidated single family dwelling. Mr. Eriksen proposes to demolish the existing building and build a 3,806± s.f. 1-story office building to be used for a physical therapist office and an exercise business. He went on to say that both uses are allowed in a B-1 zone with a Special Permit from the Planning Board. Mr. Lees added that there would be 19 parking spaces and a retaining wall at the back of the property. In addition, they will be tying in to the Tyngsborough sewer system, and Chelmsford Town water.

Abutter Don Denault from 5 Montgomery St. voiced concerns with the clearing of the lot and the buffer along the back property line, as well as the proposed retaining wall. Board engineer J. Johnson indicated that there would be a 65'-70' tree buffer from the back property line that is required to be maintained per the by-laws. Mr. Lees noted that the retaining wall would need to be engineered and would be about 4-blocks high. There were no other abutters present to speak for or against this project.

All other issues noted in J. Johnson's review of the plans were adequately addressed by the applicant. In addition, the applicant will need to acquire a Stormwater Management permit from the Conservation Commission. The Board was pleased with the rehabilitation of the lot and the proposed improvements.

T. Delmore: Motion to close the public portion of the hearing.

P. Sands: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

K. O'Brien: Motion to approve a Special Permit for 4 Middlesex Rd. to construct a 3,806± s.f. commercial building to be used as a personal services facility per plans dated February 18, 2015, and revised March 23, 2015 with the following conditions:

1. An As-Built plan must be submitted, and a final inspection done by the Planning Board engineer prior to issuance of an Occupancy Permit.
2. Property will tie-in to the Tyngsborough Sewer System.
3. Is in harmony with the purpose and intent of the Bylaws.
4. Will not be detrimental or injurious to the neighborhood in which it is to take place.
5. Is appropriate for the site in question, and
6. Complies with all applicable requirements of the Bylaws.

T. Delmore: 2nd the motion

Roll Call Vote:

P. Sands: In Favor

T. Delmore: In Favor

S. Nocco: In Favor

K. O'Brien: In Favor

C. DeCarteret: In Favor

Passes: 5-0

DISCUSSION

Proposed Zoning By-Law amendments

With Town Meeting quickly approaching, the Board discussed the possibility of amending Section 2.11.30 (Tables of Permitted Uses). Further research and input from other departments is necessary to properly consider an amendment of this sort, and given the short timeframe, the Board tabled any amendment for this coming Town Meeting. However, they did acknowledge that the Zoning By-Laws require a major revision that perhaps could be discussed with the Board of Selectmen and Town Administrator in the near future.

ADMINISTRATIVE

Minutes:

T. Delmore: Motion to approve the minutes as written for March 19, 2015.

C. DeCarteret: 2nd the motion

In Favor: 5 **Opposed:** 0 **Absent:** 1

Passes: 5-0-1

7:50pm

T. Delmore: Motion to adjourn

C. DeCarteret: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1

Passes: 5-0-1

Minutes respectfully submitted by,
Pamela Berman
Planning Board Administrative Assistant